

Table 10.
Sentence Departures by Type and Direction

SENTENCE RELATIVE TO THE STANDARD RANGE				
SENTENCE TYPE	ABOVE	BELOW	WITHIN	TOTAL
Exceptional*	644 55.3%	353 30.3%	167 14.3%	1164 100.0%
SSOSA** (669 Eligible ¹)	0 0.0%	225 97.4%	6 2.6%	231 100.0%
First-time Offender (8389 Eligible ¹)	34 1.4%	712 29.1%	1699 69.5%	2445 100.0%
Drug Offender Sentencing Alternative (3957 Eligible)	1 .1%	893 99.8%	1 .1%	895 100.0%
Standard****	65 0.3%	107 .5%	20127 99.2%	20299 100.0%
TOTAL	744 3.0%	2290 9.1%	22000 87.9%	25034

*Exceptional sentences include departures above or below the standard range, as well as sentences in which the court orders a term of confinement within the standard range, but under terms of an exceptional sentence adds conditions not allowed as part of the standard range (e.g., treatment).

**Sex offenders who have no prior felony sex convictions may receive a sentence under the Special Sex Offender Sentencing Alternative (SSOSA) if they are not convicted of a serious violent offense with a sexual motivation finding or of Rape 1, Attempted Rape 1, or Rape 2 and have a current offense and criminal history that permits the court to impose a sentence within the standard range of less than eleven years confinement. Under current law, offenders sentenced under this alternative receive a suspended sentence and may receive up to six months in jail, community supervision for three years or the length of the suspended sentence (whichever is greater), inpatient or outpatient sex offender treatment, crime-related prohibitions and requirements for affirmative conduct. If the offender violates the conditions of supervision, the original suspended sentence may be imposed.

***Offenders are eligible for the First-time Offender Waiver if the current offense is not a violent offense, sex offense or certain drug offenses, and if the offender has no prior felony convictions. If the First-time Offender Waiver is used, the standard range is waived and the offender may receive up to 90 days in jail, two years of community supervision, crime-related prohibitions and requirements for affirmative conduct. An aggravated departure occurs when an offender with a 0 to 60-day standard range (a Seriousness Level I offense with an offender score of 0) receives a sentence over 60 days (up to 90 days).

****The Standard Range category includes some sentence departures not resulting from the use of the First-time Offender Waiver, SSOSA or an exceptional sentence. These departures often occur as the result of clerical errors.

¹ This data is not comparable to reports prior to the FY97 report. Prior to FY97, criminal history that had "washed out" was not taken into consideration in determining eligibility.